

**Report to the Twenty-Third Legislature  
State of Hawai'i  
2006**

**A Process and Plan to Accomplish Environmental Justice Guidelines:  
Pursuant to SCR 140, HD 1, 2005, Requesting that the Environmental Council Develop  
Environmental Justice Guidelines**

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State of Hawai'i  
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## Executive Summary

This brief executive summary, and four attached documents describe the plan for a process through which the State of Hawaii may achieve the goals set forth in SCR 140, HD 1 2005.

The specific goals set forth in SCR 140, HD 1 request that the Environmental Council, with the Office of Environmental Quality Control and the University of Hawaii Environmental Center achieve the following:

- Develop and promulgate an environmental justice guidance document for the Chapter 343 process;
- Include input from interested parties;
- Include input from concerned high school students;
- Potentially seek State funds for renewed study of environmental impact statement process
- Submit updates to environmental impact statement process; and
- Submit all of the above to Legislature 20 days prior to 2006 Regular Session

A series of three open meetings were convened by the Environmental Council's Standing Committee on Education and Cultural Consultants throughout the summer of 2005 in order to develop a plan for achieving these goals in a timely manner. In addition to the plan for achieving the above goals, the open meetings also resulted in the development of three supplemental goals that were not specifically set forth in SCR 140, HD 1, but which the Committee believes are essential to the successful completion of the goals of SCR 140, HD 1. These supplemental goals are:

- Engage the community in a conversation about the meaning of environmental justice in general and in Hawaii;
- Seek input from the community regarding appropriate definition(s) of Environmental Justice in Hawaii; and
- Develop a definition(s) of Environmental Justice for Hawaii.

The open meetings culminated in the completion of *A Process and Plan to Accomplish the Requests of SCR 140 HD 1 (2005)* (Appendix A). This document describes in detail the activities, timelines and funding that will enable the achievement of all the goals. Overall, a series of nine activities have been planned:

1. Increasing public interest in and awareness of environmental justice;
2. A series of community conversations;
3. A series of environmental justice workshops throughout Hawaii;
4. High school "environmental justice" curriculum;
5. Review of the draft Guidance Document by special populations;
6. On-going public input on the draft Guidance Document;
7. Finalization of State definition(s) of environmental justice;
8. Finalization of Guidance Document; and
9. Update the State's environmental impact statement process.

These specific purpose(s) of each of these activities relative to the goals set forth in SCR 140, HD 1 and the Council's supplemental goals are also described in Appendix A.

A number of the activities are ongoing already. An initial draft of a guidance document currently exists (Appendix B). Outside grant funding from community-based organizations has already been sought for portions of Activities 1 and 4 above. Additional grant support will be sought for portions of Activities 2 and 3. However, a number of the activities, which are planned to begin in the Fall of 2006 and to be completed by the Fall of 2008, will require State funding.

State funding amounting to \$191,589 is being sought. This funding is being requested in order to fund: (1) a two-year, half time Project Coordinator who will oversee all activities and (2) support funding for the community conversations, workshops, high school curriculum development and review of the draft guidance document. Appendix C presents a detailed budget for the entire process.

The completion of the activities described briefly herein will result in the State of Hawaii having fully achieved the goals of SCR 140, HD 1 in a timely manner. The Environmental Council and University of Hawaii Environmental Centers' ability to achieve these goals is contingent on the appropriation of the funds necessary to do so from the State. The Council and Environmental Center would be grateful to the State Legislature for making it possible for this plan to be carried out completely and in so doing for allowing all the goals inherent in the plan to be accomplished.

The accomplishment of these goals ensures that the State has:

1. Developed a definition of "Environmental Justice" that is appropriate to our State and that was arrived at through wide community involvement;
2. Created community awareness of environmental justice, environmental justice issues and the applicability of the concept of environmental justice to the Chapter 343 process; and
3. Developed a guidance document for considering environmental justice under HRS 343 that has been developed through professional and community-wide input.

**APPENDIX A**  
**ENVIRONMENTAL COUNCIL PROPOSAL:**  
**A PROCESS AND PLAN**  
**TO ACCOMPLISH THE REQUESTS OF SCR 140 HD 1 (2005)**

The processes and plan presented herein were devised and drafted by  
the Hawaii State Environmental Council in collaboration with the community.

Community members involved in the development of this plan include:  
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**1. REQUESTS TO THE ENVIRONMENTAL COUNCIL INHERENT IN SCR 140 HD 1**

Senate Concurrent Resolution 140 (HD 1) was passed by the Hawaii Legislature on May 3, 2005. The Resolution requests that: The Environmental Council, with the Office of Environmental Quality Control (OEQC) and the University of Hawaii Environmental Center (UHEC): “develop and promulgate a guidance document on including principles of environmental justice in all phases of environmental review undertaken pursuant to Chapter 343, Hawaii Revised Statutes.”

In developing and promulgating this guidance document on including principles of environmental justice in all phases of environmental review undertaken pursuant to Chapter 343, Hawaii Revised Statutes, the Environmental Council, working with the OEQC and the UHEC, is requested to seek input: “from a wide segment of interested parties, including high school students who are concerned about this issue.”

In addition, the legislature found that the need for continued evaluation and improvement of the State’s environmental impact statement process: “may justify the commitment of state funds for renewed study of the environmental impact statement process through a legislative appropriation in the Regular Session of 2006.”

Finally, the Environmental Council is requested: “to submit its comments, findings and recommendations on any need to update the State’s environmental impact statement process that may be discovered while conducting its review of Chapter 343.”

The outcomes of the above processes: the guidance document and recommendations for legislation, if any, need to be submitted to the Legislature: “no later than twenty days prior to the convening of the Regular Session of 2006” [emphasis added].

A brief summary of the goals we have been requested to achieve, as they will be referred to in this document, are the following:

- A. Develop and promulgate environmental justice guidance document for Chapter 343 process;
- B. Include input from interested parties;
- C. Include input from concerned high school students;
- D. Potentially seek State funds for renewed study of environmental impact statement process
- E. Submit updates to environmental impact statement process; and
- F. Submit all of the above to Legislature 20 days prior to 2006 Regular Session

## **2. STATEMENT ON MEETING THE REQUESTS INHERENT IN SCR 140 HD 1**

The Resolution was first presented to and discussed by the Environmental Council at our May, 11, 2005 full council meeting. It was decided at that meeting that the Council’s Standing Committee on Education and Cultural Consultants would convene future meetings with the sole purpose of planning the processes and events by which we could accomplish all of the requests of SCR 140, HD 1 in a timely manner. The Standing Committee met for this purpose on three occasions in the Summer of 2005 (6/8/05, 6/23/05 and 8/10/05). Members of the interested public and prominent stakeholder agencies were present at each of these three planning meetings. After deliberating, it became clear to the group that our challenge is three-fold. We need to:

- Design the particular activities that would lead to the accomplishment of all of the requests of SCR 140, HD 1;
- Devise a timeline for these activities; and,
- Request funding for those activities that require it.

This document embodies an outline of how we would like to accomplish each of these imperatives.

## **3. GOALS THAT SUPPLEMENT THE REQUESTS OF SCR 140 HD1**

The Environmental Council and the Environmental Council’s Standing Committee on Education and Cultural Consultants also decided that we had to first accomplish several supplemental tasks that were not specifically requested of us in SCR 140, HD 1. These essential supplemental goals are the following:

- G. Engage the community in a conversation about the meaning of environmental justice in general and in Hawaii;
- H. Seek input from the community regarding appropriate definition(s) of Environmental Justice in Hawaii; and
- I. Develop a definition(s) of Environmental Justice for Hawaii.

Accordingly, this document also includes our outline for how we would like to accomplish these supplementary goals.

#### **4. ACTIVITIES TO MEET THE REQUESTS OF SCR 140 HD 1**

The following specific activities are those which, taken collectively, will enable the Environmental Council to accomplish all of the requests of SCR 140, HD 1 plus the essential supplemental goals identified by the Council.

##### **4.1 Increase public interest in and awareness of environmental justice:**

The Specific Activity:

- Initiate a variety of media-related events and outreach efforts pertaining to environmental justice. Particular efforts will include:
  - a. Inviting students participating in the 2005 Children and Youth Day @ Honolulu Hale and the State Capitol to participate in a Youth Xchange Video Competition specifically about environmental justice. Teachers and administrators will receive packets on the topic prior to Youth Day.
  - b. Dedicating one *Topic Hawaii* hour-long television episode to a discussion of environmental justice and environmental justice issues in Hawaii.
  - c. Encouraging Hawaii's environmental reporters to familiarize the public with the concept of environmental justice and particular potential environmental justice issues in the State.
  - d. Using the OEQC website as a forum for educating the public about environmental justice.
  - e. Airing of Community Conversations (Activity 4.2) and Environmental Justice Workshops (Activity 4.3) on public television.

Purpose of the Activity:

1. To increase public awareness of environmental justice as: (1) a general concept, (2) something that Hawaii's citizens are already concerned about, and (3) something which the State is trying to ameliorate and avoid in the future.

##### **4.2 A series of community conversations:**

The Specific Activity:

- These meetings would take place in areas where the population may have been particularly impacted by environmental justice issues: Hilo, Hawaii Island (Keokaha region, near the airport), Maui (where water rights are being debated), Waianae, Oahu (where people are impacted by Waimanalo Gulch Landfill ...), ....
- The meetings need to be "community conversations" with a casual talk-story format, in which the Council primarily listens to the community.
- The meetings need to include discussions of the history of that particular place.

Purpose of the Activity:

1. To listen and learn from the Hawaii communities that have been impacted

2. To have this particular community take part in coming up with a definition of environmental justice
3. To ask the advice of the community regarding the existing draft of the Guidance Document

#### **4.3 A series of environmental justice workshops throughout Hawaii:**

The Specific Activity:

- Workshop invitations would be extended to the public, non-governmental organizations and regional legislators.
- One workshop would occur on O'ahu in proximity to federal, state and county stakeholder agencies to facilitate their attendance.
- At least one workshop would occur on each of the following neighbor islands: Hawai'i Island, Maui, Moloka'i, Lana'i and Kaua'i.
- Each workshop would be announced by press release and television.
- The Oahu workshop could be videotaped and aired on public television. The public would be invited to send definitions of environmental justice and comments to the draft Guidance Document (which will be available at the OEQC website) to OEQC via e-mail.
- These workshops would be well-organized mini-conferences on environmental justice in Hawaii with each having the following general organization:
  - a. Presentation of environmental justice case-studies in the Chapter 343 process from Hawaii;
  - b. Presentation of environmental justice definitions from other states and nations;
  - c. Viewing of high school-produced environmental justice curriculum video;
  - d. Break-out groups to work on developing a definition of environmental justice followed by sharing sessions or documents;
  - e. Explanation of the environmental review process;
  - f. Presentation of the current draft Guidance Document;
  - g. Opportunity for participants to make changes to and comment on the draft Guidance Document; and
  - h. Collation of comments to the Guidance document
- The definitions of environmental justice and comments on the Guidance Document that come out of each workshop would be collated.

Purpose of the Activity:

1. To involve a wide sector of the public in the State as well as relevant public and private agencies and legislators
2. To arrive at a definition of environmental justice for Hawaii
3. To gather comments to the existing draft Guidance Document

#### **4.4 High school "environmental justice" curriculum:**

The Specific Activity:

- Develop, with the help of the DOE, high school curriculum that addresses environmental justice in a hands-on way, to concerned high school student populations.
- The student learning outcomes from the high school curriculum would include:
  - a. Definitions of environmental justice for Hawaii;



- b. Comments on the draft Guidance Document; and
  - c. Stories from communities about environmental justice issues.
- A video from one of the high school hands-on projects would be made and aired on public television and at the environmental justice workshops.

Purpose of the Activity:

1. To involve concerned high school students
2. To arrive at a definition of environmental justice for Hawaii
3. To gather comments to the existing draft Guidance Document

#### **4.5 Review of the draft Guidance Document by special populations:**

The Specific Activity:

- Specifically invite and involve the Department of Hawaiian Homelands, Office of Hawaiian Affairs, University of Hawaii law students and college undergraduates seeking environmental, Hawaiian/ethnic studies, public policy, planning and social justice-related degrees to participate in the review of the draft Guidance Document.

Purpose of the Activity:

1. To ensure that these special and informed populations are involved in the process of developing the Guidance Document.

#### **4.6 On-going public input on the draft Guidance Document:**

The Specific Activity:

- Place updates regarding this process and the draft Guidance Document on the OEQC website and solicit comments from the public to OEQC.
- Also periodically place the revised draft of the Guidance Document in *The Environmental Notice* and solicit comments from the public to OEQC.

Purpose of the Activity:

1. To provide a medium for people/agencies who do not attend the conversations or workshops to provide formal written comment on the draft Guidance Document.

#### **4.7 Finalization of State definition(s) of environmental justice:**

The Specific Activity:

- Coalesce definitions of environmental justice from all prior activities
- Collate all definitions
- Arrive at a final definition; final working list of definitions

Purpose of the Activity:

1. To generate a final list of Hawaii State definitions of environmental justice based on all prior conversations, workshops and meetings.

#### **4.8 Finalization of Guidance Document:**

The Specific Activity:

- Coalesce comments to draft Guidance Document from all prior activities.
- Collate all drafts into a final draft version of the Guidance Document.
- Gain approval of the final draft version of the Guidance Document from the Environmental Council's Standing Committee on Education and Cultural Consultants.
- Gain approval of the final draft version of the Guidance Document from the Environmental Council.

Purpose of the Activity:

1. To generate the final draft version of the Guidance Document based on all prior conversations, workshops, electronic input and meetings.

#### **4.9 Update the State's environmental impact statement process:**

The Specific Activity:

- With a finalized guidance document in hand, the Environmental Council will prepare its comments, findings and recommendations on any need to update the State's environmental impact statement process under Chapter 343.
- This will be the final activity in response to SCR 140, HD 1 that the Environmental Council undertakes.

Purpose of the Activity:

1. To complete the requests of SCR 140 HD 1 by submitting any recommendations for changes to the environmental impact statement process under Chapter 343 as a result of the creation of a State Guidance Document for considering environmental justice.

### **5. TIMELINE FOR MEETING THE REQUESTS OF SCR 140, HD 1**

The following is the timeline for presenting this plan to the legislature:

September 1 – September 13<sup>th</sup>: OEQC Investigative Committee works on this draft of plan



September 14<sup>th</sup> @ 12:00 PM: OEQC Standing Committee on Education and Cultural Consultants and interested members of the community finalize the draft plan



September 14<sup>th</sup> @ 2:00 PM: Seek full Environmental Council approval of this plan

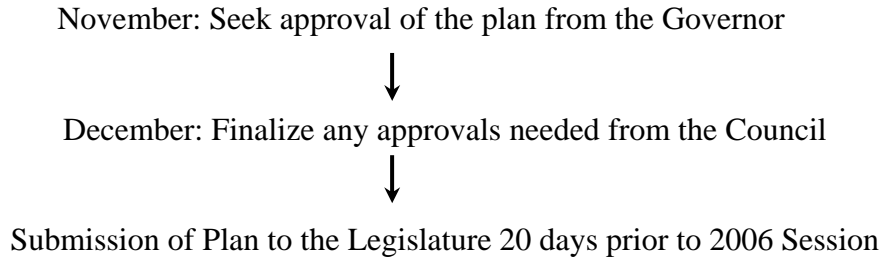


Late September: Seek approval of the Plan from DOH Deputy Director L. Lau



Early October: Meet with Senator C. Hanabusa and other key Legislators to discuss the plan

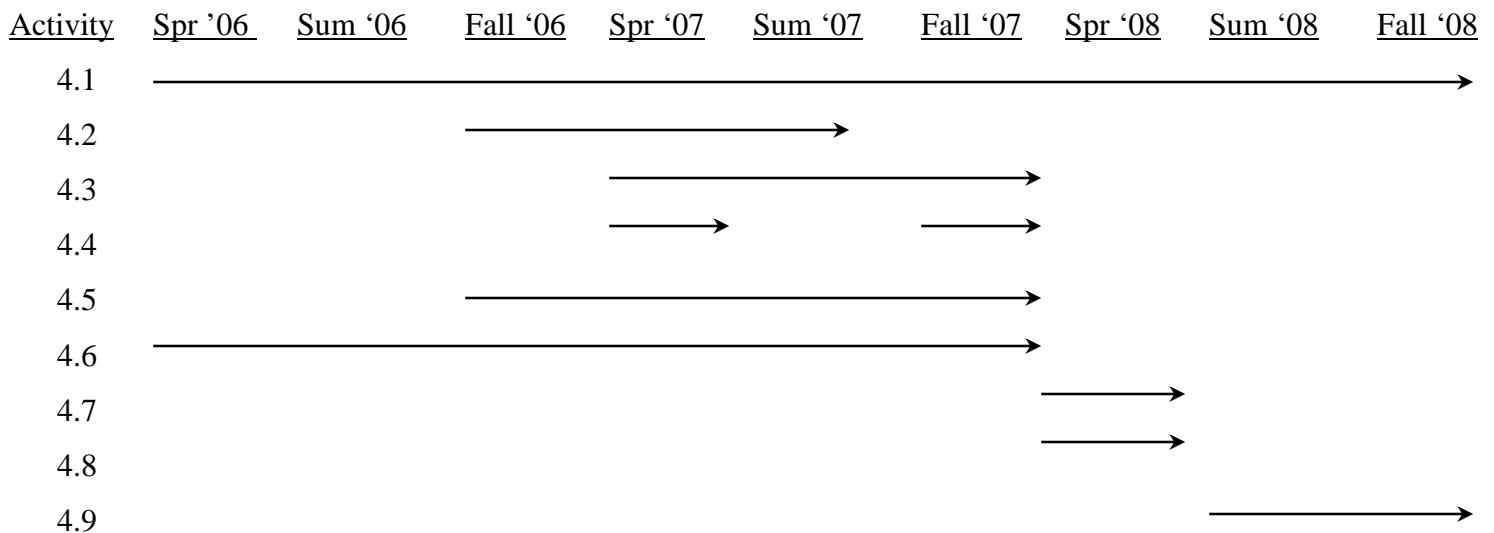




The following are the tentative timelines for each of the events presented in this plan:

- 4.1 Increase public interest in and awareness of environmental justice: Ongoing
- 4.2 A series of community conversations: Fall 2006, Spring, Summer 2007
- 4.3 A series of environmental justice workshops throughout Hawaii: 2007
- 4.4 High school “environmental justice” curriculum: Spring 2007, Fall 2007
- 4.5 Review of the draft Guidance Document by special populations: Fall 2006, 2007
- 4.6 On-going public input on the draft Guidance Document: Fall 2005 through Fall 2007
- 4.7 Finalization of State definition(s) of environmental justice: Spring 2008
- 4.8 Finalization of Guidance Document: Spring 2008
- 4.9 Update the State’s environmental impact statement process: Summer and Fall 2008

Visual representation of time-line:



## 6. BUDGETARY REQUESTS REQUIRED FOR IMPLEMENTING THE PLAN

The Environmental Council believes that the least expensive, most integrative, most efficient way to complete the requests of SCR 140, HD 1 (Goals A through F) and our supplementary goals (Goals G through I) is to hire one temporary employee, for a two-year period (September 2006 to September 2008), to work through OEQC, solely on accomplishing the Activities described in this document. This person will act as “Project Coordinator” for the State’s burgeoning environmental justice activities: the establishment of a definition of environmental justice, the development and promulgation of the Guidance Document, and eventually the updating of Chapter 343. This person

will not accomplish all of the goals and activities on his/her own, but will act as facilitator and coordinator to the efforts to accomplish each. The particular ways in which the Program Director will work to accomplish each activity are described below. The total funding requested for the temporary Project Coordinator is \$86,172. This amount includes salary (1/2 FTE at Planner V), benefits, travel and equipment for the Coordinator. All other funding requests are specific to particular activities, and are described under each activity (See Appendix C for budget spreadsheet):

#### 4.0 Project Coordinator:

**Subtotal** request of **\$86,172** for the following:

- \$47,448 @ 50% FTE (Planner V) for two years = \$47,448
- Benefits for two years = \$23,724
- Travel for two years = \$10,000
- Equipment = \$5,000

#### 4.1 Increase public interest in and awareness of environmental justice:

- Seek donation for Youth Xchange Award
- Partnering with community 501(c)3 non-governmental organizations has no cost.
- *Topic Hawaii* environmental justice episode has no cost.
- Encouraging press support has no cost.
- Using OEQC web site has no cost.

#### 4.2 A series of community conversations:

**Subtotal** request of **\$29,000** for the following:

- Organized by the Program Director.
- Community conversations will be funded partly through grants to non-governmental organizations agreeing to sponsor a/the community conversations.
- Funding request from the State:
  - \$20,000 for six meetings throughout Hawaii
  - \$6,000 for community meeting facilitators
  - \$3,000 hotel and travel

#### 4.3 A series of environmental justice workshops throughout Hawaii:

**Subtotal** request of **\$48,000** for the following:

- Organized by the Program Director.
- Workshops will be partially funded through grants to non-governmental organizations agreeing to sponsor the workshop.
- Funding request from the State:
  - \$30,000 for six workshops throughout Hawaii
  - \$12,000 for workshop speakers
  - \$6,000 hotel and travel

#### 4.4 High school “environmental justice” curriculum:

**Subtotal** request of **\$10,000** for the following:

- Organized by the DOE in conjunction with the Program Director.
- \$10,000 requested for curriculum development materials and postal services.

4.5 Review of the draft Guidance Document by special populations:

**Subtotal** request of **\$1,000** for the following:

- Organized by the Program Director.
- \$1,000 requested for packet preparation to all populations and postal services.

4.6 On-going public input on the draft Guidance Document

- On-going, no cost.

4.7 Finalization of State definition(s) of environmental justice

- Organized by the Program Director.

4.8 Finalization of Guidance Document

- Organized by the Program Director.

4.9 Update the State's environmental impact statement process.

- Organized by the Program Director.

**Total** request of: **\$174,172**

## **Appendix B**

### **Draft Environmental Justice Guidelines for Hawaii's Environmental Review Process**

Environmental justice issues may arise at any step of the HRS 343 process and agencies or applicants should consider these issues at each and every step of the process, as appropriate. Environmental justice issues encompass a broad range of impacts covered by HRS 343, including impacts on the natural or physical environment and interrelated social, cultural and economic effects. In preparing an EIS or an EA, agencies or applicants must consider both impacts on the natural or physical environment and related social, cultural, and economic impacts. Environmental justice concerns may arise from impacts on the natural and physical environment, such as human health or ecological impacts on marginalized (minority, low-income, indigenous, etc.) populations, or from related social or economic impacts.

#### **1. General Principles**

Agencies or applicants should recognize that the question of whether agency or applicant action raises environmental justice issues is highly sensitive to the history or circumstances of a particular community or population, the particular type of environmental or human health impact, and the nature of the proposed action itself. There is not a standard formula for how environmental justice issues should be identified or addressed. However, the following six principles provide general guidance.

- Agencies or applicants should consider the composition of the affected area, to determine whether marginalized (minority, low-income, indigenous, etc.) populations are present in the area affected by the proposed action, and if so whether there may be disproportionately high and adverse human health or environmental effects on marginalized groups.
- Agencies or applicants should consider relevant public health data and industry data concerning the potential for multiple or cumulative exposure to human health or environmental hazards in the affected population and historical patterns of exposure to environmental hazards, to the extent such information is reasonably available. For example, data may suggest there are disproportionately high and adverse human health or environmental effects on marginalized groups from the agency action.
- Agencies or applicants should consider these multiple, or cumulative effects, even if certain effects are not within the control or subject to the discretion of the agency proposing the action.
- Agencies or applicants should recognize the interrelated cultural, social, occupational, historical, or economic factors that may amplify the natural and physical environmental effects of the proposed agency action. These factors

should include the physical sensitivity of the community or population to particular impacts; the effect of any disruption on the community structure associated with the proposed action; and the nature and degree of impact on the physical and social structure of the community.

- Agencies or applicants should develop effective public participation strategies. Agencies or applicants should, as appropriate, acknowledge and seek to overcome linguistic, cultural, institutional, geographic, and other barriers to meaningful participation, and should incorporate active outreach to affected groups.
- Agencies or applicants should assure meaningful community representation in the process. Agencies or applicants should be aware of the diverse constituencies within any particular community when they seek community representation and should endeavor to have complete representation of the community as a whole. Agencies or applicants also should be aware that community participation must occur as early as possible if it is to be meaningful.

## **2. Additional Considerations**

The preceding principles must be applied in light of these further considerations that are pertinent to any analysis of environmental justice under HRS 343.

- This guidance does not change the prevailing legal thresholds and statutory interpretations under HRS 343 and existing case law. For example, for an EIS to be required, there must be a sufficient impact on the physical or natural environment to be “significant” within the meaning of HRS 343. Agency consideration of impacts on marginalized groups may lead to the identification of disproportionately high and adverse human health or environmental effects that are significant and that otherwise would be overlooked.
- Under HRS 343, the identification of a disproportionately high and adverse human health or environmental effect on marginalized groups does not preclude a proposed agency action from going forward, nor does it necessarily compel a conclusion that a proposed action is environmentally unsatisfactory. Rather, the identification of such an effect should heighten agency or applicant attention to alternatives (including alternative sites), mitigation strategies, monitoring needs, and preferences expressed by the affected community or population.
- Neither the Legislative Resolution nor this guidance prescribes any specific format for examining environmental justice, such as designating a specific chapter or section in an EIS or EA on environmental justice issues. Agencies or applicants should integrate analyses of environmental justice concerns in an appropriate manner so as to be clear, concise, and comprehensible within the general format suggested by HRS 343 and HAR 11-200.

### **3. Considering Environmental Justice in Specific Phases of the HRS 343 Process**

While appropriate consideration of environmental justice issues is highly dependent upon the particular facts and circumstances of the proposed action, the affected environment, and the affected populations, there are opportunities and strategies that are useful at particular stages of the HRS 343 process.

#### **1. Scoping**

During the scoping process, an agency or applicant should preliminarily determine whether an area potentially affected by a proposed agency or applicant action may include marginalized groups, and seek input accordingly. When the scoping process is used to develop an EIS or EA, an agency or applicant should seek input from marginalized groups as early in the process as information becomes available. Any such determination, as well as the basis for the determination, should be more substantively addressed in the appropriate HRS 343 documents and communicated as appropriate during the HRS 343 process.

If an agency or applicant identifies any potentially affected marginalized groups, the agency or applicant should develop a strategy for effective public involvement in the agency's or applicant's determination of the scope of the HRS 343 analysis. Customary agency or applicant practices for notifying the public of a proposed action and subsequent scoping and public events may be enhanced through better use of local resources, community and other nongovernmental organizations, and locally targeted media.

The participation of diverse groups in the scoping process is necessary for full consideration of the potential environmental impacts of a proposed agency action and any alternatives. By discussing and informing the public of the emerging issues related to the proposed action, agencies or applicants may reduce misunderstandings, build cooperative working relationships, educate the public and decision-makers, and avoid potential conflicts. Agencies or applicants should recognize that the identity of the relevant "public" may evolve during the process and may include different constituencies or groups of individuals at different stages of the HRS 343 process. For this participation to be meaningful, the public should have access to enough information so that it is well informed and can provide constructive input.

Thorough scoping is the foundation for the analytical process and provides an early opportunity for the public to participate in the design of alternatives for achieving the goals and objectives of the proposed agency action.

#### **2. Public Participation**

Early and meaningful public participation in the State or County agency decision making process is a paramount goal of HRS 343. EIS Rules require agencies or applicants to make diligent efforts to involve the public throughout the HRS 343 process. Participation of marginalized groups may require adaptive or innovative approaches to overcome



linguistic, institutional, cultural, economic, historical, or other potential barriers to effective participation in the decision-making processes of State or County agencies or applicants under customary HRS 343 procedures. These barriers may range from agency failure to provide translation of documents to the scheduling of meetings at times and in places that are not convenient to working families.

### 3. Describing the Affected Environment

In order to determine whether a proposed action is likely to have disproportionately high and adverse human health or environmental effects on marginalized groups, agencies or applicants should identify a geographic scale for which they will obtain demographic information on the potential impact area. Agencies or applicants may use demographic data available from the Bureau of the Census (BOC) to identify the composition of the potentially affected population. Geographic distribution by race, ethnicity, and income should be examined. Census data are available in published formats, and on CD-ROM available through the BOC. These data also are available from a number of local, college, and university libraries, and the World Wide Web. Agencies or applicants should recognize that the impacts within marginalized groups may be different from impacts on the general population due to a community's distinct cultural practices. For example, data on different patterns of living, such as subsistence fish, vegetation, or wildlife consumption and the use of well water in rural communities may be relevant to the analysis. Where a proposed agency action would not cause any adverse environmental impacts, and therefore would not cause any disproportionately high and adverse human health or environmental impacts, specific demographic analysis may not be warranted.

### 4. Describing the Impacts of the Proposed Project

When a disproportionately high and adverse human health or environmental effect on a marginalized groups has been identified, agencies or applicants should analyze how environmental and health effects are distributed within the affected community. Displaying available data spatially, through a GIS, can provide the agency and the public with an effective visualization of the distribution of health and environmental impacts among demographic populations. This type of data should be analyzed in light of any additional qualitative or quantitative information gathered through the public participation process.

Where a potential environmental justice issue has been identified by an agency, the agency should state clearly in the EIS or EA whether, in light of all of the facts and circumstances, a disproportionately high and adverse human health or environmental impact on marginalized groups is likely to result from the proposed action and any alternatives. This statement should be supported by sufficient information for the public to understand the rationale for the conclusion. The underlying analysis should be presented as concisely as possible, using language that is understandable to the public and that minimizes use of acronyms or jargon.

## 5. Evaluating Alternatives

Agencies or applicants should encourage the members of the communities that may suffer a disproportionately high and adverse human health or environmental effect from a proposed agency action to help develop and comment on possible alternatives to the proposed agency action as early as possible in the process. Where an EIS is prepared, EIS Rules require agencies or applicants to identify an environmentally preferable alternative in the accepted final document. When the agency has identified a disproportionately high and adverse human health or environmental effect on marginalized groups from either the proposed action or alternatives, the distribution as well as the magnitude of the disproportionate impacts in these communities should be a factor in determining the environmentally preferable alternative. In weighing this factor, the agency should consider the views it has received from the affected communities, and the magnitude of environmental impacts associated with alternatives that have a less disproportionate and adverse effect on marginalized groups.

## 6. Determining Significance

When an agency makes a determination that a proposed action may result in significant environmental effects, EIS Rules provide that an EIS shall be prepared. Disproportionately high and adverse human health or environmental effects on marginalized groups should be among those factors explicitly discussed in the determination of significance, and should also be addressed in any discussion of whether all practicable means to avoid or minimize environmental and other interrelated effects were adopted. Where relevant, the agency should discuss how these issues are addressed.

Dissemination of the information in the document acceptance letter may provide an effective means to inform the public of the extent to which environmental justice concerns were considered in the decision-making process, and where appropriate, whether the agency intends to mitigate any disproportionately high and adverse human health or environmental effects within the constraints of HRS 343 and other existing laws. In addition to translating crucial portions of the EIS where appropriate, agencies or applicants should provide translation, where practicable and appropriate, of the document acceptance letter in non-technical, plain language for limited-English speakers. Agencies or applicants should also consider translating documents into languages other than English where appropriate and practical.

## 7. Mitigation

Mitigation measures include steps to avoid, mitigate, minimize, rectify, reduce, or eliminate the impact associated with past, existing and future action. Throughout the process of public participation, agencies or applicants should elicit the views of the affected populations on measures to mitigate a disproportionately high and adverse human health or environmental effect on a marginalized groups and should carefully consider community views in developing and implementing mitigation strategies.

Mitigation measures identified in an EIS should reflect the needs and preferences of affected marginalized groups to the extent practicable.

**Appendix C**  
**Proposed Budget**

	<b>Item General Description</b>	<b>Item Details</b>	<b>Cost</b>	<b>Subtotals</b>
4.0	EJ Project Coordinator: Planner V for 2 years	50% FTE x 2	\$47,448	
		Benefits x 2	\$23,724	
		Travel x 2	\$10,000	
		Equipment	\$5,000	<b>\$86,172</b>
4.1	Sub-Projects to increase EJ awareness	Supervised by Project Coordinator		
		No additional cost to State	\$0	<b>\$0</b>
4.2	EJ Community Conversations	Costs for six meetings	\$20,000	
		Facilitators	\$6,000	
		Hotel and Travel	\$3,000	<b>\$29,000</b>
4.3	Environmental Justice Workshops	Costs for six workshops	\$30,000	
		Speakers	\$12,000	
		Hotel and Travel	\$6,000	<b>\$48,000</b>
4.4	High School EJ Curriculum	Development and dispensation	\$10,000	<b>\$10,000</b>
4.5	Review of Draft Guidance Document	Packet Prep and postal services	\$1,000	<b>\$1,000</b>
4.6	Public input on Draft Guidance Document	Supervised by Project Coordinator		
		No additional cost to State	\$0	<b>\$0</b>
4.7	Finalization of State Definiton(s) of EJ	Supervised by Project Coordinator		
		No additional cost to State	\$0	<b>\$0</b>
4.8	Finalization of Guidance Document	Supervised by Project Coordinator		
		No additional cost to State	\$0	<b>\$0</b>
4.9	Update of State EIS process	Handled separately and subsequently		
	<b>Total cost to complete activities 4.0 through 4.8</b>			<b>\$174,172</b>